

IN THE CLAIMS

1. (Previously Presented) A method for providing mediated services to a client device having a predetermined communication protocol and a predetermined display format comprising:

- (a) receiving a request for a web page from the client device;
- (b) sending the request to a merchant web site;
- (c) receiving the requested information from the merchant web site at a mediator;
- (d) transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator; and
- (e) sending the transformed information via a network to the client device from the mediator.

2. (Original) The method of claim 1 further comprising:

- (f) providing at least one mediated electronic commerce service for a merchant.

3. (Original) The method of claim 2 wherein the step of providing at least one electronic commerce service for the merchant includes one of shopping cart services, billing services, shipping services, and payment services.

4. (Original) The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device includes:

transforming the information into one of an HTTP communication protocol and WAP communication protocol.

5. (Original) The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device includes:

transforming the information into one of a HTML display format and VML display format.

6. (Original) The method of claim 1 wherein the step of receiving the requested information from the merchant web site includes:

receiving information in one of a proprietary format, a mark-up language format, an XML format, and other format designed for exchanging information.

7. (Original) The method of claim 1 further comprising:

(f) providing mediated shopping services; wherein the step of providing mediated shopping services includes

the client device sending a request to add or delete items from a shopping cart; and

receiving the add or delete requests, and responsive thereto for updating a shopping cart record.

8. (Original) The method of claim 1 further comprising:

(f) providing mediated payment services; wherein the step of providing mediated payment services includes

the client sending a purchase request to purchase one or more items in a shopping cart;

receiving the purchase request; and

responsive to the purchase request for updating a shopping cart record to reflect the purchase.

9. (Original) The method of claim 8 wherein the step of providing mediated payment services further includes

a client providing payment information to a mediator;
the mediator debiting a client's account; and
the mediator handling payment to a merchant;
wherein the account information of the client is not provided to the merchant.

10. (Original) The method of claim 1 further comprising:

(f) providing mediated shipping services; wherein the step of providing mediated shipping services includes
the client sending delivery information to a mediator;
the mediator directly providing the delivery information to a shipping company and arranging for the shipping company to pick-up the merchandise from the merchant;
wherein the client delivery information is not provided to the merchant.

Claims 11-20 (Canceled).

21. (Previously Presented) The method of claim 1, wherein the step of receiving a request for a web page comprises receiving a request for a web page from the client device, wherein the request includes a request for product information from the merchant web site.

22. (Previously Presented) The method of claim 1, wherein a virtual identifier of the merchant web site is determined by passively interrogating a source, the source being operable to transmit or broadcast the virtual identifier to a client device in a predetermined range.

23. (Previously Presented) The method of claim 1, wherein a virtual identifier of the merchant web site is determined by scanning readable code.

Claims 24-27 (Canceled).

28. (Previously Presented) The method of claim 1, wherein transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator further comprises transforming the information into a plurality of different predetermined communication protocols and a plurality of different predetermined display formats for a plurality of clients based on a display format and a communication protocol used by each of a plurality of client devices.

29. (Previously Presented) The method of claim 28, wherein sending the transformed information via a network to the client device from the mediator further comprises sending the transformed information to the plurality of clients using the plurality of different predetermined communication protocols and the plurality of different predetermined display formats.

30. (Previously Presented) The method of claim 1, wherein receiving the requested information from the merchant web site at a mediator further comprises receiving the requested information in a generic display format from the merchant web site.

PENDING CLAIMS

Claims 1-10, 21-23, and 28-30 are pending of which claim 1 is independent. In the Office Action, claims 1-8, 10, 21-23, and 28-30 were rejected under 35 U.S.C. §102(b) as being anticipated by an ordinary e-commerce session and a user's home wireless network. Claims 1, 8, and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Purcell (5,940,807). These rejections are respectfully traversed for the reasons stated below.

RESTRICTION REQUIREMENT

The Examiner restricted claims 1-30 as being directed to two distinct inventions. Specifically, Group I including claims 1-10, 21-23, and 28-30 are alleged as being directed to a first distinct invention, and Group II including claims 11-20 and 24-27 are alleged as being directed to a second distinct invention. It is acknowledged that during a telephone conference on or about October 29, 2004, the Applicants elected with traverse claims 1-10, 21-23, and 28-30 in Group I. Accordingly, claims 11-20 and 24-27 are canceled herein.

REJECTIONS UNDER 35 USC § 102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed invention. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-8, 10, 21-23, and 28-30 were rejected under 35 U.S.C. §102(b) as being anticipated by an ordinary e-commerce session and a user's home wireless network. The Examiner has taken Official Notice that claims 1-8, 10, 21-23, and 28-30 are taught by an ordinary e-commerce session and a user's home wireless network without documentary evidence to support the Examiner's conclusion. This Official Notice is traversed.

Section 2144.03 of the MPEP states that to adequately traverse such a finding, an Applicant must specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. If Applicant adequately traverses the Examiner's assertion of official notice, the Examiner must provide documentary evidence in the next Office Action if the rejection is to be maintained.

The rejection alleges that it is well known for a second computer in a home wireless network to send a request for a web page to a first computer, also in the home wireless network, which has a DSL or cable based Internet connection. Then, the first computer sends the request to a merchant web site, receives the requested information from the merchant web site. The rejection is alleging the first computer is the claimed mediator and the second computer is the claimed client device.

The rejection is lacking, because in a home wireless network today, typically a wireless router is used to connect the second computer to the Internet. Thus, the second computer communicates directly with the wireless router, rather than with the first computer, to access a web site on the Internet. Thus, it is not well known to use the second computer as a mediator as is alleged in the rejection. The Examiner must provide documentary evidence

of the subject matter being alleged as well known in the rejection if the rejection is to be maintained in the next office action.

Additionally, a wireless router in a home wireless network is not the claimed mediator. Claim 1 recites,

- (d) transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator; and
- (e) sending the transformed information via a network to the client device from the mediator.

A wireless router in a home wireless network does not transform the requested information into a predetermined display format. No transformation of display format is performed by a wireless router in a home wireless network. In addition, a wireless router in a home wireless network does not provide mediated electronic commerce services, such as recited in claims 2, 3, 7-10.

In addition to the Official Notice being improper, the alleged well known subject matter as specified in the rejection fails to teach all of the features of claim 1. In particular, the rejection alleges that the claimed transforming of the display format at the mediator is taught by the first computer using HTTP. HTTP is a protocol and is not a display format. Furthermore, the rejection appears to agree that HTTP is a protocol rather than a display format, because the rejection of claim 1 states that HTTP is a protocol at the end of paragraph 10; “a plurality of different protocols such as TCP/IP, HTTP, and SS7.” Thus, the alleged well known subject matter as described in the rejection of claim 1 fails to teach transforming the information into a predetermined display format.

In addition, the alleged well known subject matter fails to teach many of the features of the dependent claims. For example, claim 22 recites a virtual identifier of a merchant web site is determined by passively interrogating a source. Claim 23 recites a virtual identifier is

determined by scanning readable code. These features are not even mentioned in the rejection of claim 1. If this rejection is maintained, the Examiner must provide a clear explanation of what well known subject matter teaches these features. Furthermore, the rejection cannot be made final because the Applicants must have a fair opportunity to respond to a clearly articulated rejection.

Also, the features of claims 22 and 23 are not features that are known to be performed by the first computer described in the rejection of claim 1. Thus, the Examiner must provide documentary evidence of these features if this rejection is maintained.

Claims 1, 8, and 9 were also rejected under 35 U.S.C. §102(b) as being anticipated by Purcell. It should be noted that the rejection of claims 1, 8, and 9 is one sentence. The rejection states in its entirety, “Purcell discloses an ordinary e-commerce system with a mediator.” The rejection fails to specifically address any of the steps recited in claims 1, 8, and 9. It is unclear how the Examiner is interpreting Purcell in a manner that teaches the features of claims 1, 8, and 9. Section 706 of the MPEP states that the goal of examination is to clearly articulate any rejection early in the prosecution process so that the Applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. This rejection is not clearly articulated. If this rejection is maintained, the Examiner must articulate how each and every feature of claims 1, 8, and 9 are taught by Purcell. Furthermore, if the rejection is maintained, the rejection cannot be made final because the Applicants have not had a fair opportunity to respond to a rejection that articulates how Purcell teaches each and every feature of claims 1, 8, and 9.

In addition, Purcell fails to teach each and every feature of claims 1, 8, and 9. Purcell discloses an inventory information exchange system between buyers and sellers. A host operated information managements system is provided for storing a list of products that are available for buyers to purchase from sellers. Host approved sellers of products and services

are granted limited electronic access to the information management system so that each approved seller then has a self-initiated capability to exclusively access that seller's inventory information that is maintained on the information management system for adding, amending and deleting portions of the seller's inventory information. The seller's inventory information is analyzed and assimilated into a buyers listing of products and services available through the information management system to potential buyers. Host approved buyers of products and services are granted limited electronic access to the information management system so that each approved buyer has a self-initiatable capability to access the buyers listing for reviewing products and services of interest to that buyer. *See Abstract of Purcell.* Purcell also discloses an embodiment where the information management system is a interfaced to sellers and buyers as a site accessible through the Internet. *See column 4, lines 40-50.*

Purcell however fails to teach receiving a request for a web page from a client device and sending the request to a merchant web site. A merchant web site is not taught by Purcell. Also, receiving a request for a web page and sending the request to a merchant web site is not taught by Purcell. Instead, a buyer may access the information management system to analyze a listing of products that may be purchased by the buyer. The information management system does not forward a request for a web page received from the buyer to a merchant web site, such that a buyer may view what products are available for purchase. Thus, the features of claims 1, 8, and 9 are not taught by Purcell.

REMARKS CONCERNING PARAGRAPHS 12-15 OF THE OFFICE ACTION

Paragraph 12 states that the Examiner starts with a heavy presumption that all claim limitations are given their ordinary accustomed meaning and that the claims are interpreted with their "broadest reasonable interpretation". The office action also states the following: